

CATHERINE A. CONWAY (SBN 98366)  
GREGORY W. KNOPP (SBN 237615)  
ANASTASIA M. BOLES (SBN 224980)  
STEPHANIE S. DER (SBN 240576)  
**AKIN GUMP STRAUSS HAUER & FELD LLP**  
2029 Century Park East, Suite 2400  
Los Angeles, California 90067-3012  
Telephone: 310-229-1000  
Facsimile: 310-229-1001  
cconway@akingump.com  
gknopp@akingump.com  
aboles@akingump.com  
sder@akingump.com

Attorneys for Defendant, ERNST & YOUNG  
LLP

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DAVID HO, JOHN MAXTON,  
NATHAN LAY, and SARAH  
FERNANDEZ on behalf of  
themselves and others similarly  
situated and on behalf of the general  
public and DOES 1-20,

Plaintiff,

v.

ERNST & YOUNG LLP,

Defendant.

Case No. C 05-04867-JF (HRL)

[Assigned for all purposes to the  
Honorable Jeremy Fogel]

**[PROPOSED] ORDER RE  
DEFENDANT ERNST & YOUNG  
LLP'S ADMINISTRATIVE  
MOTION TO SEAL PURSUANT  
TO LOCAL RULE 79-5**

Complaint Filed: September 27, 2005

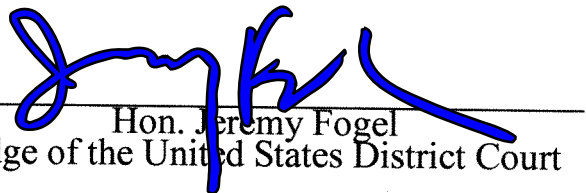
Dept. 3

1 On May 23, 2008, Defendant Ernst & Young LLP filed with the Court an  
2 Administrative Motion to Seal Pursuant to Local Rule 79-5. The motion was submitted  
3 for immediate determination pursuant to Local Rule 7-11(c) on May 27, 2008. After  
4 considering Defendant's papers, THIS COURT HEREBY ORDERS:

5 Exhibit A to the Declaration of Catherine A. Conway in Support of Ernst &  
6 Young's Reply Memorandum of Points and Authorities in Support of Motion for  
7 Summary Judgment as to Sarah Fernandez and Defendant Ernst & Young's Reply  
8 Motion for Summary Judgment as to Sarah Fernandez shall be filed under seal pursuant  
9 to the parties' Stipulation Governing the Protection of the Parties' Confidential  
10 Information.

11  
12 Dated May 28, 2008

13 By

  
14 Hon. Jeremy Fogel  
Judge of the United States District Court

## PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 2029 Century Park East, Suite 2400, Los Angeles, California 90067. On May 23, 2008, I served the foregoing document(s) described as: **[PROPOSED] ORDER RE DEFENDANT ERNST & YOUNG LLP'S MOTION FOR SUMMARY JUDGMENT AS TO SARAH FERNANDEZ** on the interested party(ies) below, using the following means:

**All parties identified for Notice of Electronic Filing  
generated by the Court's CM/ECF system under the  
referenced case caption and number**

☒ BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 23, 2008 at Los Angeles, California.

Tracy Howe

[Print Name of Person Executing Proof]

/s/ Tracy Howe

[Signature]